REMARKS

Upon entry of this amendment, claims 1 and 2 are pending. Reconsideration of this application is respectfully requested.

In the Office Action mailed June 1, 2005, the examiner:

- objected to the drawings for including a reference character, namely FIGURE 5e, not mentioned in the description

- rejected claims 1 and 2 under 35 U.S.C. § 103(a) as being unpatentable over the U.S. Patent Application 6,857,016 to Motoyama et al in view of U.S. Patent Application Publication No. 2002/0104071 to Charisius.

Objection to the Drawing

Paragraphs 0010 and 0020 of the specification have been amended by properly identifying FIGURE 5e. This obviates the basis for objection.

Rejections

1.   Examiner suggests combining Motomaya with Charisius. It is well established that such a combination may be made for purposes of §103 only if there is a proper nexus for the suggested combination. This proper nexus may be found in one or both of the references, or it may be provided by an argument of Examiner based on science and logic. In the present instance, Examiner justifies his suggested combination of Motomaya with Charisius "because distributed computing allows a business system to be more accessible to enterprise affiliates such as suppliers, customers, business partners, or financial lending institutions and Enterprise JavaBean defines the architecture for developing distributed business objects so that a remote client application run by an enterprise affiliate can access business logic managed by an enterprise application server [p.2, section (0019) of Charisius]. However advantageous these properties, no proper nexus for Examiner's suggested combination of Charisius with Motomaya is made unless Motomaya states a need to go to another reference to obtain such advantages. Examination of Motomaya finds no reference whatever to "distributed," "enterprise," "affiliates,""suppliers," "customers," "business," "partners," "financial," "lending," and

"institutions." Also, none of the terms "Enterprise JavaBean," "distributed business objects," "remote client application," "enterprise affiliate," "business logic," "enterprise application," or "enterprise application server." In point of fact, the statement in Charisius is merely generalized puffery which is totally irrelevant to the issues herein involved. In no way does Examiner's quotation of this puffery from the Charisius reference create a proper nexus for Examiner's suggested combination of Motomaya with Charisius. In the absence of a proper nexus for Examiner's suggested combination, it may not be made. In the absence of Examiner's suggested combination of the Motomaya and Charisius references, claims 1 and 2 are patentable.

2.   Even if Examiner's suggested combination of Motomaya with Charisius is made, notwithstanding the lack of a proper nexus for the combination, the claimed invention is not made out.

Claim 1 recites

"A method for operating a command and control system, said method comprising the steps of:

providing a track management system and sensors;

providing a Commercial Off-the-Shelf (COTS) application server capable of receiving data in a JAVA TWO ENTERPRISE EDITION (J2EE) compliant protocol;

generating data representing target information from at least said sensors, and communicating said data to said COTS application server in the form of a J2EE compliant protocol;

providing a plurality of computer processing arrangements, each of which is capable of processing JAVA;

in said application server, processing said J2EE compliant data with a plurality of ENTERPRISE JAVABEANS software components, establishing those of said computer processing arrangements in which said data is processed;

providing said J2EE compliant data to the selected ones of said computer processing arrangements, for thereby generating processed data; and

providing said processed data to a user."

and claim 2 also includes the track management system language.

The principal reference applied against claims 1 and 2 is Motomaya et al (Motomaya). Examiner states (page 3, §6) that Motomaya teaches "a track management system [computer workstation 26, Fig. 1;col 4, lines 30-60] . . ." This statement is incorrect, as a "track management system" by definition maintains or processes information relating to a "track," which is a succession of positions. Motomaya's computer workstation 26 receives position data, and does not appear to maintain track information. Motomaya states "The use of the workstation 26 is provided information on the location of a mobile object (e.g., the hiker 24). If the object is missing, the user of the computer workstation 26 can use the position information communicated to it to provide information to a search team to quickly find the object" (column 4, lines 56-61). Simple position information, without more, does not make a "track." No further mention of workstation 26 appears in Motomaya. Thus, Examiner's first predicate is not supported by the references, in that Motomaya does not "provid[e] a track management system " as recited in claim 1. Since Motomaya does not provide a track management system, claims 1 and 2 are patentable over Motomaya and Examiner's suggested combination of Motomaya with Charisius.

3.   Claims 1 and 2 are patentable over Examiner's suggested combination of references.

4.   Reconsideration and allowance are requested of claims 1 and 2.

5.   No fee is believed to be due for this amendment. The Commissioner is hereby authorized to charge payment of any required fees, which are associated with this communication, or credit any overpayment to Deposit Account 50-2061.

Respectfully submitted,

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